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## Memorandum

To: Independent Mine Safety Instructors  
From: Frank Reed, Director  
Division of Mine Safety Analysis, Training and Education  
Date: June 29, 2006  
RE: New Training and Certification Requirements of House Bill 572.

The 2006 General Assembly passed House Bill 572 requiring that after July 12, 2006 anyone seeking an initial certification offered by the Office of Mine Safety and Licensing will be required to pass both an 11-panel drug test and a breath alcohol test to obtain certification. Also, there are additional training requirements for new miners and for retraining of miners and supervisory personnel.

### Pre-certification testing

All applicants for initial certifications will be required to pass an 11-panel drug test and a breath alcohol test prior to certification being issued.

Breath alcohol tests will be given at the district office where the written exam will take place, on the day of the exam. The Office of Mine Safety and Licensing (OMSL) is currently in contract negotiations for a specimen collection service to provide the lowest possible cost for testing. The contract is expected to be awarded by July 7, 2006. There will be additional information on the costs of the drug test and where to go to obtain a drug test once the contract is finalized.

Also note that according to the new law, if a newly certified miner gains employment in the coal industry, the initial employer must reimburse the certified miner for the cost of one drug and alcohol test. Also, if a miner is currently certified in any other category, and is currently employed in the coal industry, the employer shall reimburse the applicant for certification the cost of one drug and alcohol test.

To drug test through OMSL, an applicant for certification will need to come to the district office and pay for the drug test in advance, where they will be issued a voucher that must be presented at the specimen collection facility. The facility will verify that the applicant has submitted to the 11-panel drug test on that voucher. This verification must be presented to the district office to be eligible to sit for the written certification exam. For applicants to leave the office on the testing day with a certification card, the results of the 11-panel drug test must be on file at the district office. Therefore, it is suggested that applicants submit to the drug test at least

three (3) days prior to taking the written exam. The results of the test will be sent to the district office directly from the collection facility as soon as the results are known.

#### Additional training requirements

A requirement for a permit as a trainee miner shall be one (1) hour of classroom training dedicated to alcohol and substance abuse education. This will be required for all 40-hour underground new-miner classes and for all 24-hour surface new-miner classes and should include, at a minimum, instruction of the following:

1. Hazards of substance and alcohol abuse;
2. Impact of substance and alcohol abuse in the workplace;
3. Understanding difference between use, abuse and addiction;
4. Signs and symptoms of substance and alcohol abuse; and
5. Specific drugs of abuse.

One hour of initial substance abuse training will also be required as part of a currently certified miner's *first* annual retraining conducted in a classroom that occurs after August 1, 2006.

After each miner has undergone the one hour of training through the *first* annual re-training conducted after August 1, 2006, then 30 minutes of training in alcohol and substance abuse education shall be required as part of all subsequent annual re-training conducted in a classroom.

#### For Instructors who conduct company training and re-training

In addition to the 30 minutes of annual alcohol and substance abuse education required for certified miners, supervisory personnel must receive an additional 30 minutes of alcohol and substance abuse awareness training annually. Supervisory training should include at a minimum:

1. Identifying performance problems;
2. Substance or alcohol abuse recognition; and
3. Intervention/confrontation.

- If you currently have a 40 hour underground new miner training plan that has been submitted to the Office of Mine Safety and Licensing and approved by the Mining Board you must submit an addendum to your plan, however a letter will suffice. The letter or addendum must state "That after August 1, 2006 1 hour substance abuse training will be taught in all initial 40 hour underground new miner training classes." This information must be submitted to your OMSL district office and a copy also sent to the Frankfort office no later than August 1, 2006.

The Office of Mine Safety and Licensing has been providing substance abuse education as part of our new miner training since 2003. If you need assistance in locating materials for the substance abuse portion of your training, please call your local district office, our instructors will be happy to assist you.

You can view a summary and the full text of House Bill 572 at the OMSL website, under "Landmark Legislative Initiatives for Mine Safety" ([www.omsl.ky.gov](http://www.omsl.ky.gov)).

